



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/579,739	12/28/1995	YUJI SAKAEGI	35.C11122	4617
5514	7590	04/20/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			QUIETT, CARRAMAH J	
		ART UNIT	PAPER NUMBER	
		2612		

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/579,739	SAKAEGI, YUJI	
	Examiner	Art Unit	
	Caramah J. Quiett	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 January 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 22-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 December 1995 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment(s), filed on 01/10/2005, have been entered and made of record. Claims 22-27 are pending. The Examiner acknowledges that the Applicant has cancelled claims 1-21, amended claims 22-25 and added claims 26-27.

Response to Arguments

2. Applicant's arguments with respect to claims 22-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. **Claims 26 and 27** are objected to because of the following informalities:

In the limitations for these claims, Applicant mentions "...the personal computer...." However, "personal computer" is not claimed in the independent claims (22 and 24) of which claims 26 and 27, respectively, depend on. Instead, the Applicant mentions "...a computer..." in the limitations of the independent claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 22-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Yamagishi (U.S. Pat. #6,630,949).

For claim 22, Yamagishi discloses, in figs. 15A/15B and in col. 20, lines 17-18, a peripheral apparatus (200) which is connectable (col. 3, lines 16-19; col. 4, lines 30-35; col. 20, lines 19-22) to a computer (300; col. 3, lines 9-29), the peripheral apparatus comprising:

a control unit (40') which controls the peripheral apparatus (col. 3, lines 53-55); and

a power control unit (42') which controls supply of power from a power source battery (44') connected to the peripheral apparatus to the control unit (col. 20, lines 23-35),

wherein the control unit (40') checks whether or not a predetermined request is received from the computer. Please read col. 23, lines 14-19 & 54 – col. 24, lines 3 & 13-60;* and

wherein the power control unit (42') decides to supply power from the battery to the control unit if it is determined that the predetermined request is received from the computer.*

Please read col. 23, lines 14-19 & 54 – col. 24, lines 3 & 13-60.

***Note:** The imaging apparatus, as disclosed by Yamagishi, is an example of a peripheral apparatus as taught in Applicant's disclosure (pg. 6, lines 20-21) since it is capable of being connected (or connectable) to a computer (col. 3, lines 16-19; col. 4, lines 30-35; col. 20, lines 19-22). In figs. 17A/17B, Yamagishi illustrates flowcharts of the imaging program to be run at the step S14 in fig. 16B, and displays the process of transferring control signals between the control means (60') and image pickup control circuit (40') via the interface (72), connector (74'), connector (54'), and interface (52). In step S21, Yamagishi teaches that control means (60') instructs the image pickup control circuit (40') to execute predetermined necessary start processing. According to Yamagishi a predetermined request is an instruction (or instructions) generated from the computer's control means. As illustrated in fig. 17A, when the imaging switch is off, the control

means (60') instructs the image pickup control circuit (control unit – 40) to execute the predetermined termination processing necessary for the image pickup apparatus 200.

When the imaging switch in the operating means is on, the control means 60' instructs the image pickup control circuit (40') to execute voltage detection. It's inherent for the control unit (40') to check whether or not a predetermined request is received from the computer. If the control means (60') does not receive command from the operation means, then the control unit (40') will not receive any control signals to the control means (60').

Particularly, if the control unit (40') determines that the predetermined request is to execute voltage detection, the control unit (40') instructs the power control unit (42') to check if the voltage of the battery (44') is high enough for the image pickup apparatus (200) to operate, and informs the control means (60') of the finding. Therefore, the power control unit inherently decides to supply power from the battery to the control unit in order to execute distance measurement and photometry. Please read col. 23, lines 14-19 & 54 – col. 24, lines 3 & 13-60.

For **claim 23**, Yamagishi discloses an apparatus wherein the power control unit inherently avoids supplying power from the battery to the control unit if it is determined that a request for shutting off power is received from the computer. Please read col. 23, lines 54-60; col. 24, lines 4-12.

Regarding **claims 24 and 25**, these claims are method claims corresponding to the apparatus claims 22 and 23, respectively. Therefore, method claims 24 and 25 are analyzed and rejected as previously discussed with respect to claims 22 and 23, respectively.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 26 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (U.S. Pat. #6,630,949).

For **claim 26**, Yamagishi teaches that the peripheral apparatus is capable of operating as an electronic camera because in col. 20, lines 23-35 his camera receives its power from direct current (a battery). However, he does not expressly disclose an apparatus wherein the peripheral apparatus is capable of operating as an electronic camera when the peripheral apparatus is not connected to the personal computer. Examiner takes Official Notice in that it is well known in the art for an electronic camera to operate without a computer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Yamagishi's electronic camera with the capability of operating as an electronic camera when the peripheral apparatus is not connected to the personal computer. Doing so, would allow the user an option to operate the camera when he is in an environment, which does not require a computer.

Regarding **claim 27**, this claim is a method claim corresponding to the apparatus claim 26. Therefore, method claim 27 is analyzed and rejected as previously discussed with respect to claim 26.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Matsuzaki et al (5,867,218)	Camera connectable to an information unit.
Etoh (5,729,289)	Detachable image apparatus and LCD device.
Parulski et al. (5,475,441)	Camera can be disconnected from the computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJQ
April 18, 2005



NGOC-YEN VU
PRIMARY EXAMINER